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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/529,419	11/28/2005	Michael Rocleke	10191/3670	8540
26646 7590 05/08/2009 KENYON & KENYON LLP ONE BROADWAY NEW YORK, NY 10004				
EXAMINER AMORES, KAREN J				
ART UNIT 3616		PAPER NUMBER		
MAIL DATE 05/08/2009		DELIVERY MODE PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

10/529,419

**Applicant(s)**

ROELLEKE ET AL.

**Examiner**

KAREN JANE AMORES

**Art Unit**

3616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 09 March 2009.  
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 6 and 8-14 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 6 and 8-14 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
10) ☒ The drawing(s) filed on 28 March 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☐ Information Disclosure Statement(s) (PTO/S508)  
Paper No(s)/Mail Date \_\_\_\_\_  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_  
5) ☐ Notice of Informal Patent Application  
6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Acknowledgements***

1. Acknowledgment is made of Applicant's amendment to the claims filed on 09 March 2009.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 6 and 8 – 14 are rejected under 35 U.S.C. 102(e) as being anticipated by Yeh et al. U.S. 6,549,836 (“Yeh”). Yeh discloses a system for triggering a restraint system in a vehicle (column 1, line 16), comprising:
  4. at least one acceleration sensor for measuring an acceleration of the vehicle and generating a corresponding acceleration signal (column 1, line 17);
  5. a pre-crash sensor for determining a closing velocity of the vehicle in a crash (column 1, line 56); a control arrangement for triggering the restraint system in a crash of the vehicle (column 1, line 63), wherein the restraint system is an airbag with at least a first stage and a second stage of deployment (column 1, line 66), and wherein triggering of at least the first stage of deployment of the airbag is determined as a function of at least one criterion derived from the

acceleration signal (column 2, line 3), and wherein triggering of the second stage of deployment of the airbag is determined as a function of a combination of the at least one criterion and the closing velocity (column 2, line 35), wherein the at least one criterion is a time of deployment of the first stage of airbag deployment (column 4, line 16).

6. In reference to claims 8 – 12, Yeh further discloses one of a plurality of categories is defined as a function of the time of deployment for the first stage of airbag deployment and the closing velocity (column 7, line 30), and wherein a time (110) of deployment for the second stage of airbag deployment is determined as a function (104) of the defined category; wherein the second stage of deployment of the airbag is not triggered if the closing velocity is below a predetermined threshold (column 9, line 20); wherein the plurality of categories include a first category (V1) corresponding to deployment of the second stage and a second category (V2) corresponding to non-deployment of the second stage; and wherein the closing velocity is used in determining the first stage of deployment and in determining the second stage of deployment.

7. In reference to claim 13, Yeh discloses a system for triggering a restraint system in a vehicle (column 11, line 11), comprising:

8. at least one acceleration sensor for measuring an acceleration of the vehicle and generating a corresponding acceleration signal (column 11, line 14);

9. a pre-crash sensor (45) for determining a closing velocity (step 316) of the vehicle in a crash (28);

10. a control arrangement (step 319) for triggering the restraint system in a crash (D3) of the vehicle, wherein the restraint system is an airbag with at least a first stage and a second stage of deployment (column 7, line 53), and wherein triggering of at least the first stage of deployment

of the airbag is determined as a function of at least one criterion derived from the acceleration signal (column 17, line 51), and wherein triggering of the second stage of deployment of the airbag is determined as a function (22) of a combination (ASIC) of the at least one criterion and the closing velocity;

11. wherein the at least one criterion is a time of deployment of the first stage of airbag deployment (column 9, line 4), wherein at least three categories are defined as a function (Safing function B) of the time of deployment for the first stage of airbag deployment and the closing velocity, and wherein a time of deployment for the second stage of airbag deployment is determined as a function of one of the at least three defined categories (column 8, line 63), the at least three categories including a first category (88) corresponding to non-deployment of the first stage, a second category (86) corresponding to deployment of the second stage, and a third category (V3) corresponding to deployment of the second stage,

12. wherein the first and second categories share a common boundary as a function (133) of a closing velocity (174) and a deployment time of the airbag in the first stage (column 13., line 2), and wherein the second and third categories share a common boundary as a function (188) of a closing velocity (step 312) and a deployment time (110) of the airbag in the first stage, and wherein the second stage of deployment of the airbag is not triggered if the closing velocity is below a predetermined closing velocity threshold (step 312) associated with a common boundary.

13. In reference to claim 14, wherein the closing velocity is used in determining the first stage of deployment and in determining the second stage of deployment.

***Response to Arguments***

14. Applicant's arguments with respect to claims 6 and 8 – 14 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

15. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to KAREN JANE AMORES whose telephone number is (571)272-6212. The examiner can normally be reached on Monday through Friday, 8:00 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Dickson can be reached on (571)-272-6669. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

KAREN AMORES  
Examiner  
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/K. A./  
Examiner, Art Unit 3616

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